

Service Date: May 11, 1987

FINAL ORDER NO. 5780

DEPARTMENT OF PUBLIC SERVICE REGULATION
MONTANA PUBLIC SERVICE COMMISSION

In the Matter of the Application of)	DOCKET NO. T-9032
FARMERS UNION CENTRAL EXCHANGE, INC.)	
DBA CENEX, Inver Grove Heights, MN,)	ORDER NO. 5780
for a Certificate of Public Conven-)	
ience and Necessity.)	

The Commission, having taken evidence and being fully advised in the premises, makes the following findings, conclusions and order:

FINDINGS OF FACT

1. On December 18, 1986, Farmers Union Central Exchange, Inc. dba Cenex, 5500 Cenex Drive, Inver Grove Heights, Minnesota 55075, filed an application with the Montana Public Service Commission under Title 69, MCA, for a Certificate of Public Convenience and Necessity authorizing the transportation of such commodities as are dealt in or used by farm supply cooperatives, Class C, between all points and places within the State of Montana.

2. In accordance with Section 69-23-321, MCA, as amended, this matter was noticed to the public January 7, 1987. That notice said in pertinent part:

If no written protests are received by January 27, 1987, a hearing may not be held and a final order may be issued in this Docket. If a protest is received, a hearing will be scheduled. Individual notice of the hearing will be given only to Protestants and Applicant.

The application included affidavits of support.

3. Protests were filed by Molerway Freight Lines, Inc., Billings, Montana; Dixon Bros., Inc., Newcastle, Wyoming; H.F. Johnson, Inc., Billings, Montana; Hornoi Transport, Inc., Miles City, Montana; Keller Transport, Inc., Billings, Montana; Robert L. Bell dba Bob's Pick Up and Delivery,

Sidney, Montana; and Dick Irvin, Inc., Shelby, Montana.

4. On February 23, 1987, the Commission issued Notice of Public Hearing scheduling the application for a hearing to be held March 17, 1987, in Helena, Montana. Prior to that date, Applicant restrictively amended his application as follows: Class C - Such commodities as are dealt in or used by farm supply cooperatives, in bags or in bulk, between all points and places in Montana. Limitations: 1) Transportation of petroleum and petroleum products is prohibited. 2) Transportation of cement, in bulk, is prohibited. 3) The service authorized is restricted to the transportation of traffic originating at or destined to facilities owned or leased by Farmers Union Central Exchange, Inc. (Cenex) or Land O'Lakes, Inc. or facilities of member cooperative associations of Farmers Union Central Exchange, Inc. (Cenex) or Land O'Lakes, Inc. The hearing was cancelled with all parties agreeing to the proposed amendment.

5. All protests were subsequently withdrawn, the final protest being withdrawn on May 4, 1987.

6. The record of this application is available for inspection at the Public Service Commission Office, 2701 Prospect Avenue, Helena, Montana 59620-2601.

CONCLUSIONS OF LAW

1. The Montana Public Service Commission properly exercises jurisdiction over the parties and subject matter in this proceeding.

2. The Commission afforded all parties interested in this proceeding proper notice and an opportunity to participate.

3. Public Convenience and Necessity require a grant of the authority sought by the Applicant.

ORDER

NOW THEREFORE, at a session of the Public Service Commission, Department of Public Service Regulation of the State of Montana, held in its offices at 2701 Prospect Avenue, Helena, Montana, on the 11th day of May, 1987, there being present a quorum of Commissioners, there came regularly before the Commission for final action the matters and things in Docket No. T-9032, and the Commission being fully advised in the premises;

IT IS ORDERED by the Commission that the application of FARMERS UNION CENTRAL EXCHANGE, INC. DBA CENEX, Inver Grove Heights, Minnesota for a Certificate of Public Convenience and Necessity IS GRANTED to the following extent: Class C - Such commodities as are dealt in or used by farm supply cooperatives, in bags or in bulk, between all points and places in Montana.

Limitations: 1) Transportation of petroleum and petroleum products is prohibited. 2) Transportation of cement, in bulk, is prohibited. 3) The service authorized is restricted to the transportation of traffic originating at or destined to facilities owned or leased by Farmers Union Central Exchange, Inc. (Cenex) or Land O'Lakes, Inc. or facilities of member cooperative associations of Farmers Union Central Exchange, Inc. (Cenex) or Land O'Lakes, Inc.

IT IS FURTHER ORDERED that a full, true and correct copy of this order be sent forthwith by certified mail to the Applicant herein.

THE FOREGOING ORDER was adopted by the Department of Public Service Regulation of the State of Montana, Public Service Commission, IN OPEN SESSION at Helena, Montana, this 11th day of May, 1987, by a vote of 5- 0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION.

CLYDE JARVIS, Chairman

HOWARD L. ELLIS, Vice Chairman

JOHN B. DRISCOLL, Commissioner

DANNY OBERG, Commissioner

TOM MONAHAN, Commissioner

ATTEST:

Ann Purcell
Commission Secretary

(SEAL)

NOTE: Any interested party may request the Commission to reconsider this decision. A motion to reconsider must be filed within ten (10) days. See 38.2.4806, ARM.